

# **Knobbe Martens Olson & Bear LLP**

*Intellectual Property Law*



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ATTENTION: MAIL STOP MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## **CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

**Attorney Docket No.:** MASIMO.377A

**Applicants** : Massi E. Kiani, et al.

**For** : PARAMETER COMPENSATED  
PHYSIOLOGICAL MONITOR

**Attorney** : John M. Grover

**"Express Mail"**

**Mailing Label No.** : EV 307989300 US

**Date of Deposit** : July 22, 2004

I hereby certify that the accompanying

Transmittal Letter; Declaration by Inventors in 3 pages; Power of Attorney Form and Copy of Assignment in 5 pages; a Copy of the Notice to File Missing Parts; Information Disclosure Statement, PTO Form 1449 with 95 references, which are not being submitted herewith; Check for Filing Fee; Return Prepaid Postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and are addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Nelson Merida

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*San Diego*  
619-235-8550

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415-954-4114

*Los Angeles*  
310-551-3450

*Riverside*  
951-781-9231

*San Luis Obispo*  
805-547-5580



PATENT

Case Docket No. MASIMO.377A  
Date: July 22, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Massi E. Kiani, et al.

App. No. : 10/714,526

Filed : November 14, 2003

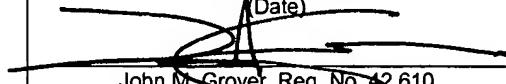
For : PARAMETER  
COMPENSATED  
PHYSIOLOGICAL  
MONITOR

Group Art Unit : 3736

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and are addressed to: Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on

July 22, 2004

(Date)

  
John M. Grover, Reg. No. 42,610

TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

ATTENTION: MAIL STOP MISSING PARTS

Dear Sir:

In response to the Notice to File Missing Parts of Application Under 37 CFR 1.53(f), which was mailed by the Office on February 23, 2004, enclosed are:

- (X) an executed Declaration by Inventors;
- (X) a Power of Attorney Form and Copy of Assignment;
- (X) a Notice to File Missing Parts;
- (X) an Information Disclosure Statement;
- (X) a PTO Form 1449 with 95 references, which are not being submitted herewith; and
- (X) a check in the amount of \$1,922 to cover the below fee; and
- (X) a return prepaid postcard.

**PATENT**

Case Docket No. MASIMO.377A  
Date: July 22, 2004

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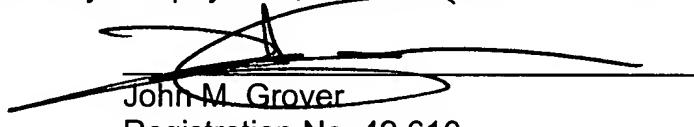
Fees as calculated below:

FILING FEE	\$ 842
FEE FOR EXTENSION OF TIME (LARGE ENTITY) 3 months	\$ 950
SURCHARGE 37 CFR 1.16(e)	\$ +130
TOTAL FEES SUBMITTED HEREWITH	\$ 1,922

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An extension of time to respond for three (3) months is hereby requested.

The Commissioner is hereby authorized to charge any additional fees which may be required, now or in the future, or credit any overpayment, to Account No. 11-1410.



John M. Grover  
Registration No. 42,610  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404



07/23/04

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/714,526	11/14/2003	Massi E. Kiani	MASIMO.377A

20995  
 KNOBBE MARTENS OLSON & BEAR LLP  
 2040 MAIN STREET  
 FOURTEENTH FLOOR  
 IRVINE, CA 92614



**CONFIRMATION NO. 2220**  
**FORMALITIES LETTER**



\*OC000000011950483\*

Date Mailed: 02/23/2004

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

07/26/2004 MAHMED1 00000090 10714526

01 FC:1001	770.00 OP
02 FC:1051	130.00 OP
03 FC:1202	72.00 OP

**FILED UNDER 37 CFR 1.53(b)**

*Filing Date Granted*

**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$72 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$972** for a Large Entity

- \$770** Statutory basic filing fee.
- \$130** Late oath or declaration Surcharge.

- Total additional claim fee(s) for this application is \$72
  - \$72 for 4 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

*Led*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 2 - COPY TO BE RETURNED WITH RESPONSE